

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

JOBY CLARK,

Plaintiff,

vs.

Case No. 2013-4479-CB

BUTOKU KARATE SCHOOL, LLC,
and JOHN WASILINA,

Defendants.

OPINION AND ORDER

Plaintiff has filed a motion for reconsideration of the Court's February 6, 2015 Opinion and Order granting Defendants' motion for summary disposition.

In the interests of judicial economy the factual and procedural statements set forth in the Court's February 6, 2015 Opinion and Order are herein incorporated.

Standard of Review

Motions for reconsideration must be filed within 21 days of the challenged decision. MCR 2.119(F)(1). The moving party must demonstrate a palpable error by which the Court and the parties have been misled and show that a different disposition of the motion must result from correction of the error. MCR 2.119(F)(3). A motion for reconsideration which merely presents the same issue ruled upon by the Court, either expressly or by reasonable implication, will not be granted. *Id.* The purpose of MCR 2.119(F)(3) is to allow a trial court to immediately correct any obvious mistakes it may have made in ruling on a motion, which would otherwise be subject to correction on appeal but at a much greater expense to the parties. *Bers v Bers*, 161 Mich App 457, 462;

411 NW2d 732 (1987). The grant or denial of a motion for reconsideration is a matter within the discretion of the trial court. *Cole v Ladbroke Racing Michigan, Inc*, 241 Mich App 1, 6-7; 614 NW2d 169 (2000).

Arguments and Analysis

While the February 6, 2015 Opinion and Order granted Defendants summary disposition as to all of Plaintiff's claims, Plaintiff's instant motion only addresses the portion of the Court's Opinion and Order related to Count II of his complaint.

In his motion, Plaintiff contends that the \$50,000.00 distribution was not consideration for his agreement to step down from his role with Butoku. However, even if true, there was still consideration for the Resolution. The Notice of Dissolution notes that Mr. Wasilina was agreeing to assume all of Butoku's outstanding obligations in exchange for Plaintiff's agreement to step down. The Court is satisfied that Mr. Wasilina's agreement to assume obligations was sufficient consideration to create a binding agreement. Consequently, Plaintiff's position is without merit and his motion must be denied.

Conclusion

For the reasons discussed above, Plaintiff's motion for reconsideration of the Court's February 6, 2015, Opinion and Order is DENIED. In compliance with MCR 2.602(A)(3), the Court states this matter remains CLOSED.

IT IS SO ORDERED.

/s/ John C. Foster
JOHN C. FOSTER, Circuit Judge

Dated: March 6, 2015

JCF/sr

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